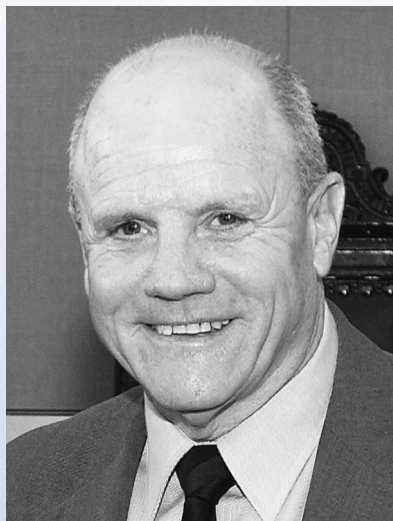


Senator Bob Oke

2004 Session Report



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Dear Friends:

For a short mid-term session, the 2004 Legislature tackled some tough issues, some with great success; others will have to wait until next year. I was disappointed, of course, that my bill to outlaw tobacco sampling was again killed by Big Tobacco and that the Burley-Olalla overpass construction schedule was only moved up by one year. I'm looking forward to opportunities to address these matters again in 2005.

Highlights of this session for our district include keeping the passenger-only Southworth ferries funded for another year; helping our many small businesses obtain more affordable health insurance; and additional property tax relief for our senior citizens and persons retired on disability.

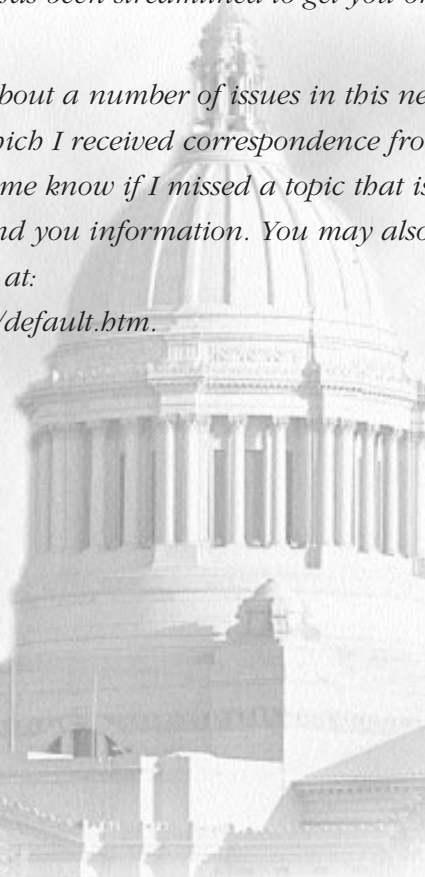
I am also happy to report that those of you who enjoy sports fishing for sockeye will have an additional opportunity this year on Lake Washington; and those of you who head to the coast to dig razor clams will find the licensing process has been streamlined to get you on the beach sooner.

I have provided information about a number of issues in this newsletter relating to those matters on which I received correspondence from the people in the 26th District. Let me know if I missed a topic that is important to you and I will send you information. You may also look up bills and bill reports online at:

<http://www.leg.wa.gov/wsladm/default.htm>.

Sincerely,

State Senator Bob Oke



Burley-Olalla Overpass

Rep. Lois McMahan and I spent a great deal of time working on this issue in both the House and Senate this year. Our goal was to find a way to finish the overpass closer to the time that the Narrows Bridge project will be complete. Under the transportation projects list passed in 2003, the overpass is not scheduled for completion until 2011. The Narrows Bridge project is scheduled to be complete by 2008.

On February 16, the Senate approved my bill, Senate Bill 6679, to complete the overpass by 2009. Unfortunately, the measure languished in the House Transportation Committee. This measure would have used bond money from the Narrows Bridge project to speed up construction by two years, but still would have kept the project on the “nickel fund” list to be paid for by the 5-cent gas tax increase approved in 2003.

After much re-negotiation with the Senate transportation chair, I was able to get an earlier start date (14 months) by taking another look at the projects on the nickel fund list. Unfortunately, the Senate negotiators working right up to the final hours of the session with House negotiators could not keep the start date at 14 months. The final bill moves the project up by one year. The interim safety improvements will still be done this year.

As more preliminary work is done on projects on the nickel fund list between now and the 2005 session, it may be that other projects will not be ready to go as scheduled and I will be able to try again for an earlier completion date for the Burley-Olalla overpass.

Southworth-Vashon Island-Seattle Foot Ferries Funded For Another Year

In the final hours of the 2004 session, a supplemental transportation budget was approved that will keep the Southworth-Vashon Island-Seattle passenger-only ferry service running for another year—until July 1, 2005. Language was also eliminated from the budget that stated the intent of the Legislature is to eliminate passenger-only ferry service after the new appropriation runs out. In addition, \$3 million was assigned to Kitsap Transit to assist it in obtaining federal matching dollars for passenger-only ferry capital projects. This money will be used for upgrades to Southworth and Vashon Island ferry terminals pending the federal matching dollars.

New auto ferries will be built in Washington

By 2011, four aging auto ferries will be replaced with new vessels carrying 130 cars each. The initial bids are in and all companies are from Washington shipyards. The construction of these new boats will provide good jobs for Washington citizens and more reliable transportation for ferry riders once they are in service.

Tobacco Sampling and Smoking Ban Legislation

My Senate colleagues have voted to outlaw tobacco giveaways at venues frequented by young people (fairs, concerts, rodeos) for three years now. Each time the bill has died in the House under pressure from Big Tobacco and the political power of a few legislators. I am confident that there are enough votes in the House to pass this legislation if a vote is ever allowed to

take place. The problem with tobacco sampling at fairs, concerts and rodeos is that there is no one to prevent samples from falling into the hands of minors.

The Legislature tried to deal with the difficult issue of a smoking ban in public places this year, something I strongly support. Unfortunately, a ban was again unsuccessful in becoming law. The debate was recharged this year by the local ban enacted by the Pierce County Board of Health. No one questions the dangers of smoking or the dangers of exposure to second-hand smoke. The debate centers on an adult's right to choose, the rights of business owners and whether or not bans should be left up to local governments. Supporters of a statewide ban are collecting signatures on I-890 for the November 2004 ballot that bans smoking in all places open to the public, including adult-only venues such as casinos and taverns. Opponents of Pierce County's ban are collecting signatures on I-891 that would impose a ban on smoking in public places, but continues to allow smoking sections in bars, minicasinios, private clubs, horse and auto racing tracks and cruise ships docked in Washington. In addition, it prevents local governments from enacting stricter bans.

Replacing the Blanket Primary

On Monday, February 23, when the U.S. Supreme Court refused to hear Washington's plea to keep our 70-year-old blanket primary system, the fight came to an end. The Legislature had no choice but to provide a new system. The choice came down to a plan that allows the “top two” vote-getters in each race, regardless of party, to advance to the general election ballot or a plan that requires all voters to choose a party ballot and vote only for candidates in that party for each race (Montana-style). A voter's choice of ballot is kept secret. Ultimately, the Legislature passed the “Top Two” system with the “Montana” system as a backup if the major political parties challenge the “Top Two” in the courts and win.

Governor Locke vetoed the “Top Two” section of the bill, leaving in place the “Montana” primary for this September. However, the Washington State Grange is collecting signatures on I-872 which would put in place the “Top Two” system. In addition, a referendum has been filed to repeal the “Montana” primary. If both or either of these efforts obtain the required number of valid registered voters signatures, they will appear on the November 2004 general election ballot.

Property Tax Relief for Seniors

This year, the Legislature approved a bill increasing the allowable income for seniors and disabled retirees to qualify for property tax exemptions and deferrals. The bill also allows Medicare insurance premiums and the costs of care in a boarding home or adult family home to be deducted before the allowable income is calculated. Effective June 9, 2004, the new allowable income levels will be: \$40,000 for deferrals; \$30,001 to \$35,000 for exemption from excess levies; \$25,001 to \$30,000 for exemptions from excess levies and from regular levies for up to \$50,000 of the home value; for incomes less than \$25,000, exemption from excess levies and from regular levies for up to \$60,000 of the home value. A person retains property tax relief while he or she is confined to a

Pilot project for cougar control created

The number of cougars in populated areas appears to be growing based on increased reports of sightings and in some cases, reports of cougar interactions with people and livestock. In 1996, Washington voters outlawed the use of hounds to hunt cougars except by the state to control problem cougars. This year, five counties—Chelan, Okanogan, Pend Oreille, Stevens and Ferry—asked the Legislature to approve a hound hunting pilot program to help them eliminate cougars that pose a threat to public safety and property. This program will also help the state determine truer cougar population numbers. At this point, we don't know if there are really more cougars creating problems or just a few that have become more troublesome. If this program is successful, an effort will be made to allow other counties to participate.

Use of baited hook traps now animal cruelty

This new law outlaws a very inhumane method used to kill coyotes that is a clear danger to pets and could even pose a threat to a curious child. The pet dog of a Thurston County man was almost killed in late 2003 because the dog ingested a baited hook trap put out to kill coyotes. A baited hook trap is usually a three-pronged hook covered with rabbit fur or another substance that will attract coyotes. Using such hooks is now a gross misdemeanor with a jail sentence of up to one year and/or a fine of up to \$5,000.

Amendments to trapping law to protect human life and property dies in House

A compromise from last year's bill to change the state's trapping law passed the Senate this year on a vote of 36-12, but was not voted on by the House. Without this bill, it is still illegal to trap moles and gophers and ranchers' efforts to protect their livestock from predatory wild animals remain restricted.

More work done to keep harmful non-native species out of Washington's waters

Ships coming into our waters from other areas of the world bring with them non-native, and sometimes very harmful

species of marine life in the ballast water they take on from their point of origin and dump when they come into our ports. A ballast water work group was established in 2002 to expedite safe industry standards for ballast water exchange on open seas. This year, because of technical issues, we had to extend the date of compliance in order to allow ships to continue to come into Washington's ports. However, we also extended the work group to help facilitate the resolution of technical issues and report back to the Legislature on their findings and recommendations. In addition, all vessel owners, masters and operators must submit a ballast water plan by July 1, 2006.

26th District Residents Helps Fix Notice Snafu for Licensed Cosmetologists

When a new law is enacted affecting a professional license, notice must be given to current license holders. Unfortunately, when licensing provisions for cosmetologists were changed in 2002 for compliance by June 20, 2003, the state failed to provide proper notice. Beauty shops were notified, but not individual license holders. This year, Rep. McMahan and I both introduced bills to extend the deadline so people could keep their licenses current while meeting the new requirements. We were successful and we thank the citizens of the 26th District who brought this problem to our attention.

Thank You to the Young People Who Served as My Senate Pages this Year

Naomi Flaherty	Home Schooled
Bethany Flaherty	Home Schooled
Cameron Romney	Gig Harbor High School
Cade Stephens	Home Schooled/ South Kitsap High School
Cassandra Brown	South Kitsap High School
Michael Hageman	Home Schooled
Jashua Haver	Manchester Christian Academy

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boarding home or adult family home and his or her residence is rented to pay the costs. These new allowable income levels apply to property taxes due and payable in 2005.

Getting Washington Back to Work

If Washington's jobless rate is going to fall below the national average and stay there, we have to change the way we do business. Dozens of bills to help the state's "largest employer"—Washington's small business community—passed the Republican Senate and died in the Democrat-controlled House this year.

Minimum Wage Law—Our current law, providing for automatic annual increases was approved by voters in good economic times. It was suppose to help the lowest-paid workers in our state by providing predictable annual wage increases. Then the Sept. 11, 2001, terrorist attacks happened and the bottom fell out of Washington's economy.

As small companies have had to pay higher wages without profits to match, jobs were cut and new jobs weren't created. Washington's unemployment rate continues to come in higher than the national average and the latest figures show we have 216,000 unemployed workers looking for jobs. But our minimum wage is now the highest in the nation—growing from \$4.90/hour in 1998 to \$7.16/hour today.

The Senate said let's tie minimum wage increases to unemployment rates so higher wages don't result in higher job loss. The bill didn't even see the light of day once it was sent to the House.

Workers' Compensation—Current law figures an injured worker's benefits on his or her wage at the time of injury. If we paid for lost wages at 65.5 percent of a worker's four-quarter average of wages instead, like the Senate voted to do, more than 70 percent of injured workers would see an increase in time-loss benefits.

In addition, the courts have made a jumble of what should be figured into "lost wages." The Senate passed a bill to define what counts and what doesn't.

The Senate also passed a bill calling for administrative accountability in the Department of Labor and Industries and a bill to stop the department from misusing worker and employer premiums—a practice that caused an increase in premiums of 29.5 percent last year. All these Senate bills died without debate in the House.

Cutting Government Red Tape—Government red tape that strangles businesses is another area where the Senate and House collided.

The Senate passed a bill to delay rules that impose penalties until after the next Legislature has had time to review the proposed rule and the agency's authority to impose it.

The Senate also passed a bill requiring the governor to review and sign all significant agency rules coming out of an agency for which he appoints the director.

In addition, the Senate passed a bill that prevents state rules from exceeding federal requirements.

All of these measures died in a House standing committee without benefit of debate.

Tax incentives to create new jobs—This year we extended tax exemptions for high tech companies that create new

jobs. We added a strong accountability provision to make sure jobs are created.

Making health insurance more affordable for more workers—Small companies provide the majority of Washington's private sectors jobs. Prior to significant changes in health care coverage laws enacted in 1993, 65 percent of small businesses offered health care coverage for their employees. Today, only 47 percent do. Current law mandates a certain level of coverage with requirements as to what providers and what services must be covered. Senate Bill 5521 would have given small businesses (with two to 50 employees) a mandate-free option, giving employers and employees a truly affordable choice in health plans. This bill passed the Senate in 2003 and 2004, but died in the House. Ultimately a compromise was approved this session. House Bill 2460 allows more plan options for employers with two to 50 employees, but some of the most costly mandates remain in place.

Civil Liability Reform

Perhaps the most notable loss of the 2004 session was the House's refusal, again, to deal with a comprehensive civil liability reform bill that passed the Senate in 2003 and 2004. Small steps were taken to help contractors, but nothing was done to reduce health care costs associated with out-of-control liability claims. Unless doctors, clinics and hospitals get some predictability and affordability in malpractice insurance, they will continue to shut down and our costs for health care will continue to soar. Consumers are the hardest hit by what's going on in our civil liability system. Please visit the Senate Republic Web site at www.src.wa.gov and click on Key Initiatives for more information.

Domestic Violence

One of the most widely covered stories by the media this year was the Legislature's effort to address domestic violence policies among law enforcement agencies. In Senate Bill 6161, we enacted a new law that requires every police or sheriff's department in the state to adopt and enforce policies to deal with domestic violence cases involving an officer. We also passed a law prohibiting a law enforcement officer from bringing a weapon into a court room if he or she is a party to a civil or criminal action involving domestic violence or harassment.

To further aid and protect victims of domestic violence we authorized courts to impose a \$100 fine on those convicted of domestic violence crimes. This money will help support programs to prevent domestic violence. The fourth new law we enacted protects victims of domestic violence from being evicted and allows those who must flee the opportunity to end a rental agreement without additional costs.

Protecting Children From Sex Offenders

During the 2004 session, family and friends of children who have been raped and molested came to Olympia to seek tougher penalties for sex offenders who prey on children. The Legislature approved House Bill 2400, a measure that blocks dangerous sex offenders, especially child molesters, from entering alternative treatment programs and sends them to jail. The bill also requires an intensive review of current laws

Parks, Fish and Wildlife

As the chairman of the Senate Parks, Fish and Wildlife Committee, I am able to work closely with the many groups of citizens that are very involved in our outdoor recreational opportunities and conservation of our natural resources. It is always a pleasure to work with these citizens. Here are some of our accomplishments this year.

Off-Road Vehicles

Fuel tax paid on gasoline consumed for recreational purposes on nonhighway roads is used to support nonhighway and off-road vehicle recreational facilities. The distribution of Nonhighway and Off-Road Vehicle Account (NOVA) funds has been 80 percent for ORV facilities and only 20 percent for other users. A fuel-use study found that exactly the opposite should be true.

To address this issue, the 2003 Legislature approved House Bill 1698 to bring together motorized and nonmotorized backroad recreational users to review the existing allocation of NOVA funds and revise the formulas to be consistent with the fuel use study. This revision was accomplished this year in House Bill 2489.

The 2004 Supplemental Capital Budget appropriates \$700,000 for the NOVA program and more funding is provided for facilities for nonmotorized recreational users such as hikers, skiers, mountain bikers, horseback riders, hunters, bird watchers and sightseers.

A second measure that was approved increases ORV permit fees and renewals from \$5 to \$18. The fee for a temporary, 60-day permit is increased from \$2 to \$7. ORV fees have been constant since 1971. The fees are dedicated to ORV use. A fee increase to support facilities was widely supported by the ORV community.

Recreational Fisheries

The Lake Washington sockeye run for the upcoming season is expected to be large enough to allow a limited season for recreational fishing. The **2004 supplemental budget** provides \$150,000 to manage the additional workload required to manage that fishery and one additional fishery in Eastern Washington to be determined by the Department of Fish and Wildlife. For updated information about sports fishing, visit the department's Web site at:

<http://wdfw.wa.gov/fishcom.htm>

Statewide events will mark 100th birthday of Washington State Parks

Senate Bill 6372 approved this year sets in motion a coordinated effort to celebrate the 100th birthday of Washington State Parks in 2013. This measure provides the coordinating body needed to ensure that plans for the 100th birthday of Washington State Parks are successful and fit within the budget and priorities. A similar organized effort was put in place to celebrate our state's 100th birthday in 1989.

New, separate Dungeness crab catch cards and razor clam licenses approved

- Under a new law creating a separate catch record card for Dungeness crab, mid-season estimates of recreational crab catches will be more reliable and crab fishers will not suffer



Senator Oke received the 2003 Conservationist of the Year award from the Olympia Chapter of Trout Unlimited for his work in securing funding for a new salmon hatchery.

unwarranted short seasons. The cost may not exceed \$3.00 and funds from this endorsement may only be used for monitoring and management of recreational Dungeness crab fishing. Effective date is May 15, 2004.

- Under a new law creating a separate razor clam license, it will be faster and easier to purchase a license to dig razor clams. An annual three-day razor clam license is created. Persons purchasing the license only have to provide proof of residency to qualify for the \$5.50 cost. Seniors qualify for the \$5.50 cost. Nonresidents will be charged \$11. In addition, razor clam licenses are assessed a \$1.00 surcharge dedicated to biotoxin testing and monitoring, a process that has become very important to protecting this natural resource and to ensure more razor clams are available for people to dig.

Private donations authorized to maintain Department of Natural Resource recreational facilities

House Bill 2454 approved this year will make more money available for DNR campgrounds and other DNR recreational facilities. Individuals and groups like to help support recreational facilities they use. Private donations will make more things possible with no additional cost to taxpayers.

Important bird habitats to receive recognition and protection

Birdwatching is among the nature tourism activities that bring money into the state, so it is important to protect native and migratory bird habitat to help out local economies.

The Department of Natural Resources (DNR) maintains a natural heritage program for the selection of areas in the state containing important natural resources and a database is maintained. Natural areas may be purchased, leased, set aside or exchanged by DNR. The Audubon Society's bird area program is a national effort to identify important habitat sites. This year we authorized DNR to recognize certain sites that are identified by a qualifying nonprofit as having been scientifically determined to be necessary to conserve a population of native or migratory birds. In order to avoid complications under the Growth Management Act (GMA), we specified that recognition of a critical bird area does not create a critical area designation under the GMA.

on predatory sex offenders to guarantee the safety and well-being of families and victims.

Protecting Students From Teachers and Coaches Who Prey on Them

It is a sad fact that there are a few people who use their positions as coaches and teachers to engage in sexual misconduct with students. Stopping and keeping these people from having further opportunities to abuse children was the focus of Senate Bill 6171, a measure that won unanimous approval from both the House and Senate. This new law requires timely investigations of complaints and ensures that an investigation is completed even if the teacher or coach resigns and moves away. The bill also makes sure that such abuse is reported to the proper law enforcement and child welfare agencies. Under this measure, parents and members of a community may file complaints directly with the Office of the Superintendent of Public Instruction.

Highlights of the 2004 Supplemental Budget

Senate Republicans came into the 2004 session committed to “keeping the faith” on responsible spending and to protecting the most vulnerable of Washington citizens. Through a Senate-passed plan and careful negotiations with the House, Senate Republicans were successful in winning a fiscally sound mid-term budget that takes care of unexpected costs, increases the opportunities for Washington’s young people to attend college, and keeps more than \$278 million in reserves for future emergencies.

Home Care Workers—The budget funds a 50-cent per hour wage increase for independent and agency workers who take care of the elderly and people with disabilities so they can stay in their own homes. The budget also provides funding for health care insurance and workers’ compensation coverage for independent home care workers.

Nursing Homes & Care Centers—The budget funds rate increases to better cover the costs of caring for people in nursing homes and residential centers for persons with disabilities.

Higher Education—All together, the supplemental budget provides \$23.9 million to:

1) fund more general enrollments and more high demand enrollments (nursing, science and engineering) in our state colleges and universities; 2) increase need grants for low-income college students; and 3) increase scholarship funds for middle-income students who do well in high school.

Medical Coverage for Children—Some families whose incomes are too high to qualify for Medicaid still need help with health care coverage for their children. The state’s program for these families was revised in the supplemental budget so that premiums are no higher than \$15 per child for those families with higher incomes and the premium was eliminated for families with incomes at 100-150 percent of the federal poverty level. Families whose incomes are from 150-250 percent of the federal poverty level will pay a premium only for the first three children in the family.

Supplemental Capital Budget Makes Needed Improvements Without More Debt

The 2004 supplemental capital construction budget approved this year will create an estimated 14,000 jobs, but the projects approved do not require new bonds. This keeps the state’s debt limit from rising and debt payments down. The largest portion of the supplemental budget will go to the state’s colleges and universities for specific, identified needs. There is also funding for preservation work at the state’s criminal justice training center, for major renovation of a state park in north-west Washington, for conservation enhancement projects, for the ORV activities fund and for the Asparagus Commission to help stimulate and strengthen this important cash crop that is having trouble competing with international imports.

Identity Theft

Only one of three bills the Senate passed to combat identity theft was approved by the House and sent to the governor to be signed into law. That bill will give people the option of having a biometric identifier such as retinal scans or facial recognition mapping added to their driver’s licenses to guard against false licenses being used for criminal purposes. This service will be available in 2006 for new licenses and renewals. This bill also increases the civil liability for committing identity theft in the first or second degree from \$500 to \$1,000 or actual damages, whichever is greater. A bill to put identity thieves in jail longer and a bill to establish a statewide financial fraud alert system died in the House. Both of these bills deserve to be worked again in 2005.

Protecting Higher Education Investments for Military Personnel

When a citizen soldier is called to active duty, it disrupts many things in his or her life. Thousands of Washington reservists and National Guard members have been activated in the past year. The federal Service Members Civil Relief Act passed in 2003 provides many financial protections for these men and women. However, nothing in the act addresses college tuition payments. Senate Bill 6302, approved this session, allows those who are called to duty while attending a state college to receive a tuition refund and to withdraw from classes without penalty.

Helping Students Succeed in our Schools

House Bill 2295 authorizes up to 45 charter schools in the next six years. Charter schools can be innovative and are not bound by many of the state laws governing public schools. Experience in other states has shown that children who don’t do well in a regular classroom setting will blossom in a creative, alternative academic setting. Another important step taken this year was authorizing students to retake the 10th grade Washington Assessment of Student Learning test and preparing for an alternative for students who continually have trouble with taking this kind of test—even though they possess good basic skills and knowledge. It was important to get this process in place now because in 2008, Washington students will need to pass the WASL or an alternative in order to graduate from high school.